

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FABIAN VAKSMAN,

Plaintiff,

v.

MICHAEL W. WYNNE,

Defendant.

No. CV-07-225-FVS

FIRST ORDER DIRECTING
PLAINTIFF TO FILE AMENDED
COMPLAINT

THIS MATTER having come before the Court for screening pursuant to 28 U.S.C. § 1915(e)(2); Now, therefore

IT IS HEREBY ORDERED:

1. The plaintiff's motion for appointment of a publicly-funded attorney (**Ct. Rec. 5**) is denied because he has failed to demonstrate the existence of exceptional circumstances. *See Wood v. Housewright*, 900 F.2d 1332, 1335 (9th Cir.1990).

2. The plaintiff's motion for summary judgment (**Ct. Rec. 11**) is denied as premature. He may renew the motion if, and when, the Court directs service of a complaint upon the defendant.

3. By noon on September 10, 2007, the plaintiff shall file an amended complaint that complies with the Federal Rules of Civil Procedure. **The complaint must be legible.** Not only must it contain "a short and plain statement of the grounds upon which the court's jurisdiction depends," Fed.R.Civ.P. 8(a)(1), but also it must contain

1 "a short and plain statement of the claim showing that the pleader is
2 entitled to relief," Fed.R.Civ.P. 8(a)(2), and "a demand for judgment
3 for the relief the pleader seeks." Fed.R.Civ.P. 8(a)(3). *See Bell*
4 *Atlantic Corp. v. Twombly*, 550 U.S. ----, 127 S.Ct. 1955, 167 L.Ed.2d
5 929 (2007).

6 **IT IS SO ORDERED.** The District Court Executive is hereby
7 directed to enter this order and furnish a copy to the plaintiff.

8 **DATED** this 9th day of August, 2007.

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10 s/ Fred Van Sickle
Fred Van Sickle
11 United States District Judge
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